



AUSTIN CITY COUNCIL
MINUTES

REGULAR MEETING
THURSDAY, AUGUST 31, 2006

Invocation: Pastor David Boyd, St. David's Episcopal Church

The following represents the actions taken by the Austin City Council in the order they occurred during the meeting. While the minutes are not in sequential order, all agenda items were discussed. The City Council of Austin, Texas, convened in a regular meeting on Thursday, August 31, 2006 in the Council Chambers of City Hall, 301 W. 2nd Street, Austin, Texas.

Mayor Wynn called the Council Meeting to order at 10:10 a.m.

CONSENT AGENDA

The following items were acted on by one motion. No separate discussion or action occurred on any of the items. The consent items were approved on Mayor Pro Tem Dunkerley's motion, Council Member Cole's second on a 7-0 vote.

1. Approval of the minutes from the meeting of August 24, 2006.
The minutes from the regular meeting of August 24, 2006, were approved.
2. Approve an ordinance authorizing acceptance of \$30,000 in grant funds from the State Energy Conservation Office (SECO); and amending the Fiscal Year 2005-2006 Austin Energy Department Operating Budget of Ordinance No. 20050912-001 to appropriate \$30,000 in funding for the Texas Center for Commercialization of Electric Technology. Grant funding of \$30,000 is available from the State Energy Conservation Office. Recommended by the Electric Utility Commission. (Related to item #3)
Ordinance No. 20060831-002 was approved.
3. Authorize negotiation and execution of an Interlocal Agreement with the State Energy Conservation Office (SECO) for the Texas Center for Commercialization of Electric Technology funding in the amount of \$30,000. Grant funding of \$30,000 is available from the State Energy Conservation Office. Recommended by the Electric Utility Commission. (Related to item #2)
The motion authorizing the negotiation and execution of an Interlocal Agreement was approved.
4. Authorize negotiation and execution of an Interlocal Agreement with the Austin Independent School District (AISD) to provide funding for a plug-in hybrid electric school bus in an amount not to exceed \$65,000. Funding is available in the Fiscal Year 2005-2006 Amended Operating Budget of Austin Energy. Recommended by the Electric Utility Commission.
The motion authorizing the negotiation and execution of an Interlocal Agreement was approved.

5. Authorize negotiation and execution of a cost reimbursement agreement with SOUTHWEST EDUCATIONAL DEVELOPMENT LAB (SEDL), Austin, TX, for the purchase and installation of heat exchangers and associated piping needed to interconnect the new SEDL facility to Austin Energy's Mueller Cooling Heating and Power (CHP) plant in an amount not to exceed \$334,743. Funding in the amount of \$334,743 is available in the Fiscal Year 2005-2006 Capital Improvement Budget. Recommended by the Electric Utility Commission.
The motion authorizing the negotiation and execution of a cost reimbursement agreement was approved.
6. Approve execution of a contract with SHAW ENERGY DELIVERY SERVICES, INC., Austin, TX, for construction of CKT 1021 Reroute and CKT 947 Fiber Install in an amount not to exceed \$709,494. Funding is available in the Fiscal Year 2005-2006 Amended Capital Improvement Budget of Austin Energy. 9.00% MBE and 0.35% WBE. Recommended by the Electric Utility Commission.
The motion authorizing the execution of a contract was approved.
7. Approve an amendment to the legal services agreement with Steven & Gwendolyn Webb of Webb & Webb regarding franchise negotiations with Texas Gas Service, a division of ONEOK, Inc., in an amount not to exceed \$60,000, for a total contract amount not to exceed \$107,000. Funding in the amount of \$60,000 is available in the Fiscal Year 2005-2006 Approved Operating Budget of Financial and Administrative Services.
The motion authorizing an amendment to the legal services agreement was approved.
8. Approve a legal services agreement with George and Brothers, L.L.P., continuing legal services begun with that firm under its old firm name of George and Donaldson, L.L.P., regarding Allissa M. Chambers v. Josie Valdez d/b/a Valdez Remodeling and the City of Austin; Cause No. 97-08030 in the 53rd Judicial District, Travis County, Texas, in an amount not to exceed \$15,000, for a total contract amount under both contracts not to exceed \$177,000. Funding in the amount of \$15,000 is available in the Fiscal Year 2005-2006 Approved Operating Budget of the Liability Reserve Fund.
The motion authorizing a legal services agreement was approved.
9. Approve the negotiation and execution of three loans under the Holly Good Neighbor Program to demolish existing structures and reconstruct new homes, in a total amount not to exceed \$258,400 to: Juel M. Ritcheson in an amount not to exceed \$81,600; Luz Maria Vasquez in an amount not to exceed \$95,200; and Gavino Fernandez, Jr. in an amount not to exceed \$81,600. Construction on these projects will be performed by ILCOR HOMES, INC., Austin, Texas. Funding is included in the Fiscal Year 2005-2006 Holly Good Neighbor Program administered by the Neighborhood Housing and Community Development Department. Low bid of 3 bids received. 3.31% MBE and 0.43% WBE subcontractor participation.
The motion authorizing the negotiation and execution of three loans was approved.
10. Approve negotiation and execution of Amendment #2 to the cost reimbursement agreement with Austin Revitalization Authority, Inc. in an amount not to exceed \$70,181.77, for a revised total contract amount not to exceed \$335,455.77, to reimburse SBC Texas for expenses related to construction of facilities and installation of telecommunication lines within and near East 11th Street Redevelopment, located between East 11th Street, Juniper Street, I.H. 35 and Navasota Street. Funding is available in the Fiscal Year 2005-2006 Operating Budget of Neighborhood Housing and Community Development.
The motion authorizing the negotiation and execution of amendment number 2 to the cost reimbursement agreement was approved.
11. Approve negotiation and execution of an Interlocal Cooperation Act Agreement with Galveston County for short-term shelter during a mandatory evacuation.

The motion authorizing the negotiation and execution of an interlocal cooperation act agreement was approved.

12. Approve a resolution authorizing the filing of eminent domain proceedings for the Govalle 1-Newton Street Area Wastewater Improvements Project, a portion of the Austin Clean Water Program, to acquire a 1,401 square foot permanent wastewater line easement out of the Isaac Decker League and being a portion of Lot 13, Block B5, R.L. Sweetman's Addition, Block 35, 36, B5, B6, B7, in Travis County, Texas, in the amount of \$22,930. The owners of the needed property interest are Ira Lee Shaw, George Davis, Jr., Alan Shaw, Craig Shaw, George Davis III, Elizabeth Shaw, Oliver Shaw, Elvis Shaw, Michael Gene Shaw, Raymond Shaw, and Nora Lee Shaw. The property is located at 411 West Mary Street, Austin, Travis County, Texas. Funding is included in the Fiscal Year 2005-2006 Capital Budget of the Austin Water Utility.
Resolution No. 20060831-012 was approved.

13. Authorize negotiation and execution of an Interlocal Agreement with the CAPITAL METROPOLITAN TRANSPORTATION AUTHORITY for development and funding of the extensions of Rundberg Lane and Saunders Lane and the dedication of Helen Milton Smith Way. The total estimated project cost is \$8,240,000. Funding in the amount of \$7,400,000 is available in the Fiscal Year 2005-2006 Amended Capital Budget of the Public Works Department; funding in the amount of \$840,000 is available in the Fiscal Year 2005-2006 Capital Budget of the Austin Water Utility. (Related to item #14)
The motion authorizing the negotiation and execution of an interlocal agreement was approved.

14. Approve an ordinance amending the Fiscal Year 2005-2006 Public Works Department Capital Budget of Ordinance No. 20050912-002 to appropriate \$1,600,000 of funding from Capital Metropolitan Transportation Authority to fund the extensions of Rundberg Lane and Saunders Lane. \$1,600,000 is available from a contribution by Capital Metropolitan Transportation Authority toward the project. (Related to item # 13)
Ordinance No. 20060831-014 was approved.

15. Approve a resolution authorizing the negotiation and execution of all documents necessary to release a real property interest, an Access Easement, to HILL COUNTRY GALLERIA, LP in exchange for Hill Country Galleria, LP providing an alternate access drive to the City to access Galleria Parkway located between RM 2244 and RM 620 roughly parallel to SH 71, in Travis County.
Resolution No. 20060831-015 was approved.

16. Approve the negotiation and execution of a 25-year lease with GREG AND KAREN BIEHLE for the use of approximately 2,384 square feet of City-owned land located at 35th and Mills Avenue, for the purpose of off-site parking.
Resolution No. 20060831-016 was approved.

17. Approve the negotiation and execution of a 25-year lease with JUDY TAYLOR for the use of approximately 1,957 square feet of City-owned land located at 34th and Mills Avenue, for the purpose of off-site parking.
Resolution No. 20060831-017 was approved.

18. Approve an ordinance amending Section 12-4-24 of the City Code to establish a maximum speed limit of 25 miles per hour on residential streets within the area bounded by South 1st Street, Congress Avenue, Stassney Lane, and William Cannon Drive. Funding in the amount of \$6000 is available in the Fiscal Year 2005-2006 Operating Budget of the Public Works Department for installation of necessary signs.
Ordinance No. 20060831-018 was approved.

19. Approve an ordinance amending Section 12-4-24 of the City Code to establish a maximum speed limit of 25 miles per hour on residential streets within the area bounded by Stassney Lane, Manchaca Road, Ben White Boulevard, and the Union Pacific Railroad. Funding in the amount of \$10,000 is available in the Fiscal Year 2005-2006 Operating Budget of the Public Works Department for installation of necessary signs.
Ordinance No. 20060831-019 was approved.
20. Approve an ordinance amending Section 12-4-24 of the City Code to establish a maximum speed limit of 25 miles per hour on residential streets within Wooten and Sunset View Neighborhood areas bounded by U.S. Highway 183 (Research Boulevard) to the northeast, Anderson Lane to the south, and Burnet Road to the west. Funding in the amount of \$4,730 is available in the Fiscal Year 2005-2006 Operating Budget of the Public Works Department for the installation of necessary signs.
Ordinance No. 20060831-020 was approved.
21. Approve an ordinance amending Section 12-4-41 of the City Code by adding Park Bend Drive from MoPac Expressway (Loop 1) Northbound Service Road to 1160 feet west of Cedar Bend Drive to the list of streets having a maximum speed limit of 35 miles per hour at all times. Funding in the amount of \$300 is available in the Fiscal Year 2005-2006 Operating Budget of the Public Works Department for the installation of necessary signs.
Ordinance No. 20060831-021 was approved.
22. Authorize the City Manager to negotiate and execute construction contracts with Hensel Phelps Construction Company and the Schindler Group for the completion of the Austin-Bergstrom International Airport Elevator and Escalator Improvement Project in the not to be exceeded aggregate amount of \$1,105,281 as an item necessary to preserve or protect the public health or safety.
The motion authorizing the City Manager to negotiate and execute construction contracts was approved.
23. Approve negotiation and execution of an amendment to the purchase contract with MONTOPOLIS LAND COMPANY to increase the non-refundable earnest money payment in the amount of \$47,000 for a total amount not to exceed \$94,000, related to the acquisition of approximately 50 acres located along Hergotz Road and Thompson Lane. Funding in the amount of \$47,000 is available in the Fiscal Year 2005-2006 Capital Budget of the Austin Water Utility
The motion authorizing the negotiation and execution of an amendment to the purchase contract was approved.
24. Authorize execution of change order #10 to the construction contract with BARECKY CONSTRUCTION COMPANY, Wimberley, TX, for the Spicewood Springs Branch Library Expansion Re-Bid in the amount of \$73,337, for a total contract amount not to exceed \$1,771,149.76. Funding in the amount of \$73,337 is available in the Fiscal Year 2005-2006 Approved Capital Budget of the Library Department. 0.10% MBE and 25.68% WBE subcontractor participation to date including this change order. Conditional Use Permit approved by Zoning and Platting Commission.
The motion authorizing the execution of change order #10 to the construction contract was approved.
25. Authorize negotiation and execution of Amendment No. 5 of a contract with AMERICAN LEGAL PUBLISHING CORPORATION (ALP), Cincinnati, OH, to reformat and republish the Land Development Code Technical Criteria Manuals. Funding in the amount of \$70,395 is available in the Fiscal Year 2005-2006 Operating Budget from the Office of the City Clerk. Contract Amendment This contract was awarded in compliance with Chapter 2-9C of the City Code (Minority-Owned and Women-

Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.

The motion authorizing the negotiation and execution of amendment number 5 was approved.

Item 26 was pulled for discussion.

- 27. Approve an ordinance denying a rate increase filing of Atmos Energy Corporation, Mid-Tex Division; requiring reimbursement of municipal rate case expenses by the regulated utility; and providing notice of this ordinance to Atmos Energy Corporation, Mid-Tex Division.
Ordinance No. 20060831-027 was approved.

Item 28 was pulled for discussion.

- 29. Approve an ordinance waiving the development regulations of Ordinance No. 20060309-058 to allow the construction of a single family residence at 4414 Lareina Drive Austin, TX.
Ordinance No. 20060831-029 was approved.

- 30. Approve appointments to citizen board and commissions, to Council subcommittees and other intergovernmental bodies and removal and replacement of members.
The following appointments were made:

<u>Board/ Appointee</u>	<u>Consensus/ Council Nominee</u>	<u>Appointment/ Reappointment</u>
<u>Commission for Women</u> Jodi Park	Mayor Wynn's	Reappointment
<u>Ethics Review Commission</u> Timothy Sulak	Mayor Wynn's	Confirmation
<u>Library Commission</u> Dustin Lanier Guy Manaster	Council Member McCracken's Mayor Wynn's	Appointment Reappointment
<u>Mayor's Committee for People with Disabilities</u> Philip Bellard Joe Geraci Chip Howe Kathy Kasprisin Norman Kieke Denise Sonleitner	Mayor Wynn's Mayor Wynn's Mayor Wynn's Mayor Wynn's Mayor Wynn's Mayor Wynn's	Reappointment Reappointment Reappointment Reappointment Reappointment Reappointment
<u>Zoning and Platting Commission</u> Jay Gohil	Mayor Wynn's	Reappointment

Council Committee and Subcommittee Appointments

<u>Audit and Finance Committee</u> Council Member Sheryl Cole Resolution No. 20060831-030 was approved.	Resolution No. 20060831-030	Appointment
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31. Approve waiver of fees and requirements under Chapter 14 of the Code, and authorize payment of certain costs for the Fiesta de Independencia Foundation's 2006 Fiesta de Independencia to be held at Waterloo Park on September 15, 2006. (Council Member Mike Martinez Mayor Will Wynn Mayor Pro Tem Betty Dunkerley)
The motion authorizing the waiver of fees and requirements under Chapter 14 of the Code and authorizing payment of certain costs was approved.
32. Approve an ordinance repealing Section 12-1-33 of the City Code and replacing it with a new Section 12-1-33 to prohibit the use of an engine brake or retarder on a roadway within the corporate limits of the City, and providing an exemption for emergency vehicles. (Council Member Lee Leffingwell Mayor Pro Tem Betty Dunkerley)
Ordinance No. 20060831-032 was approved.
33. Approve a resolution recognizing the Austin Public Safety Officers Association as the sole and exclusive bargaining agent for all law enforcement officers employed by the Public Safety and Emergency Management Department other than the Department Director, Assistant Department Director, and other exempt employees, for purposes of engaging in Meet and Confer negotiations under Chapter 142 of the Texas Local Government Code, and determining that the City of Austin may engage in Meet and Confer negotiations under such Chapter. (Council Member Lee Leffingwell, Council Member Mike Martinez, and Council Member Brewster McCracken)
Resolution No. 20060831-033 was approved.
34. Approve a resolution directing the City Auditor, with input from the City Manager as well as public safety departments and public safety associations, and upon approval of the Audit & Finance Committee of the City Council, to solicit, negotiate, and execute a contract with consultants having expertise in public safety operations and administration for the purpose of conducting an independent assessment of public safety in the City of Austin. (Scope of work and implementation is contingent upon approved Fiscal Year 2006-2007 budget.) (Council Member Brewster McCracken Council Member Lee Leffingwell Council Member Mike Martinez)
Resolution No. 20060831-034 was approved.
35. Set a public hearing to consider an Ordinance repealing Chapter 25-12, Article 3 of the City Code relating to pools and spas and adopting a new Chapter 10-7, Pools and Spas. (Suggested Date and Time: September 28, 2006 at 6:00 pm, Austin City Hall Council Chambers, 301 W. Second Street.)
The public hearing was set for September 28, 2006 at 6:00 p.m., Austin City Hall Council Chambers, 301 W. Second Street.
36. Set a public hearing to receive public comment on the location of a second day labor site at 2101 E. Ben White Blvd. (Suggested date and time: September 28, 2006 at 6:00 p.m., Austin City Hall, Council Chambers, 301 W. Second St.)
The public hearing was set for September 28, 2006 at 6:00 p.m., Austin City Hall, Council Chambers, 301 W. Second Street.
37. Set a public hearing to consider an amendment to Section 25-2-4(B)(42) of the City Code to amend the definition of medical offices to include a compounding pharmacy use. (Suggested date and time: September 28, 2006 at 6:00 p.m., City Hall Council Chambers, 307 West Second Street.)
The public hearing was set for September 28, 2006 at 6:00 p.m., City Hall Council Chambers, 307 West Second Street.
38. Set a public hearing to receive public comments on proposed amendments to the Large Primary Service Special Contract Rider in the Electric Rate Schedule in Exhibit A of Ordinance No. 20050912-004, and

on a proposed Large Primary Service Special Contract Rider II to be added to the Electric Rate Schedule. (Suggested date and time: September 28, 2006, at 6:00 p.m., Austin City Hall, Council Chambers, 301 West 2nd Street).

The public hearing was set for September 28, 2006, at 6:00 p.m., Austin City Hall, Council Chambers, 301 West 2nd Street.

39. Set a public hearing under Chapter 26 of the Texas Parks and Wildlife Code to consider using approximately 45 acres for the construction of Water Treatment Plant #4 (WTP#4) on a Balcones Canyonland Preserves (BCP) tract known as Cortaña, located along F.M. 620 between Steiner Ranch Blvd. and F.M. 2222 in accordance with Sec. 26.001 et seq. of the Texas Parks and Wildlife Code. (Suggested date and time: September 28, 2006 at 6:00 p.m., Austin City Hall, Council Chambers, 301 W. Second Street, Austin, TX). All costs associated with the construction, as well as any BCP mitigation will be paid by the Austin Water Utility Department. Recommended by Water and Wastewater Commission, BCP Citizens Advisory Committee, Balcones Canyonland Preserve (BCP) Science Advisory Committee August, Environmental Board and BCP Coordinating Committee.
The public hearing was set for September 28, 2006 at 6:00 p.m., Austin City Hall, Council Chambers, 301 W. Second Street, Austin, Tx.

40. Set public hearings to receive comments on issues related to the full purpose annexation of the North Acres Annexation Area (approximately 381 acres in northeast Travis County, located between North IH-35 and Dessau Road just south of East Braker Lane.) Full purpose annexation is anticipated in December 2008 in accordance with the City's Municipal Annexation Plan. (Suggested dates and time: September 28, 2006 at 6:00 p.m., Austin City Hall, Council Chambers, 301 West Second Street, Austin, TX; and October 3, 2006 at 6:30 p.m., Holy Word Lutheran Church, 10601 Bluff Bend Dr., Austin, TX.)
The public hearings were set for September 28, 2006 at 6:00 p.m., Austin City Hall, Council Chambers, 301 West Second Street, Austin, Texas and October 3, 2006 at 6:30 p.m., Holy Word Lutheran Church, 10601 Bluff Bend Dr., Austin, Texas.

41. Set a public hearing to consider amendments to Sections 25-2-766.13 and 25-2-766.14(A) of the City Code to authorize the administrative waiver of certain interim development design standards established in the Transit-Oriented Development (TOD) ordinance and Section 25-2-766.04(A) and Chapter 25-2, Appendix D of the City Code to establish the Highland Mall and South IH-35 TOD districts. (Suggested date and time: October 5, 2006 at 6:00 p.m., Austin City Hall, Council Chambers, 301 West 2nd Street.) (No fiscal impact.)
The public hearing was set for October 5, 2006 at 6:00 p.m., Austin City Hall, Council Chambers, 301 West 2nd Street.

70. Direct the City Manager to create a Student Safety Coalition to recommend strategies to improve the safety of students enrolled in the University of Texas. (Council Member Jennifer Kim Council Member Sheryl Cole)
The motion directing the City Manager to create a student safety coalition was approved.

Item 42 was a Briefing set for 11:00 a.m.

Items 43 through 46 were Executive Session items.

Item 47 was an Action on Executive Session item.

Items 48 through 50 were Bond Sales set for 2:00 p.m.

Item 51 was a Briefing set for 2:30 p.m.

Items 52 through 62 were zoning items set for 4:00 p.m.

Items 63 through 69 were public hearings set for 6:00 p.m.

DISCUSSION ITEM

- 26. Approve first reading of an ordinance granting a franchise agreement to Texas Gas Service, a division of ONEOK, Inc. to provide natural gas distribution services. Funding in the amount of \$ 6,548,600 in Franchise Fee Revenue was included in the FY 2006-07 Proposed Budget. Presented to Council Committee for Emerging Technology and Telecommunications
There was a motion by Council Member McCracken to approve the first reading of the ordinance with the following direction to staff. This was seconded by Council Member Cole. Staff was directed to eliminate the street cuts fees and the franchise fees on the cost of gas to public entities. Council Member Kim proposed a friendly amendment to delete his direction concerning the franchise fees on the cost of gas to public entities. Originally this was rejected as a friendly amendment and then Council Member Kim proposed it as an amendment that was seconded by Council Member Leffingwell. Subsequently, Council Member McCracken removed all direction to staff and Council Member Cole accepted this change. The first reading of the ordinance was then approved with no staff direction on a 7-0 vote.

CITIZEN COMMUNICATIONS: GENERAL

CarolAnneRose Kennedy - To Be Announced **She was not present when her name was called.**

Larry Gilg - Peak Oil

Nancy Dennis - Peak Oil

Susan Gilg - Peak Oil

John W. Botti - Peak Oil

Paul Robbins - City Issues **His time was used earlier in the meeting on item No. 26.**

Richard H. Pierce - "Dick" Pierce - American Youthworks and the National Council of La Raza Strengthening Families Award

Richard Halpin - American Youthworks and the National Council of La Raza Strengthening Families Award

Pat Johnson - Ritual Rape of Motorist Continues by certain Towing Companies **He was not present when his name was called.**

Don A. Williamson - K.A.B.

DISCUSSION ITEM CONTINUED

- 28. Approve an ordinance waiving the development regulations of Ordinance No. 20060309-058 to allow the construction of a single family residence at 1508 W. 30th Street, Austin, TX.

Ordinance No. 20060831-028 to grant the waiver contingent upon the proposed structure complying with the plans presented to and approved by the Historic Landmark Commission, including any and all facade requirements, was approved on Mayor Pro Tem Dunkerley's motion, Council Member McCracken's second on a 6-1 vote. Council Member Leffingwell voted nay. The proposed structure's exterior appearance must comply with the plans presented to the Historic Landmark Commission for its consideration in all respects.

Mayor Wynn recessed the Council Meeting to go into Executive Session at 1:39 p.m.

EXECUTIVE SESSION

43. Discuss legal issues related to Texas Local Government Code Chapter 245 claims by Advanced Micro Devices and Stratus Properties regarding development of the Lantana Tract. (concerns development in an area subject to the Save Our Springs Initiative, Chapter 25-8 of the City Code)(Private Consultation with Attorney 551.071)
44. Discuss legal issues related to the City of Austin Minority-Owned and Women-Owned Business Enterprise Procurement Program. (Private Consultation with Attorney 551.071)
45. Discuss legal issues related to Allissa M. Chambers v. Josie Valdez d/b/a Valdez Remodeling and the City of Austin; Cause No. 97-08030 in the 53rd Judicial District, Travis County, Texas (concerns a dispute involving Community Development Block Grant funds used for renovations to a home)(Private Consultation with Attorney - Section 551.071)
This item was withdrawn.
46. Discuss legal issues related to Anwar Choudhary, Individually and as next friend of Ahmed Choudhary, a minor, and Talat Choudhary v. City of Austin; Cause No. GN403979, in the 345th Judicial Court of Travis County, Texas. (concerns an alleged negligence claim) (Private Consultation with Attorney - Section 551.071) (Related to Item #47)

Executive Session ended and Mayor Wynn called the Council meeting back to order at 3:08 p.m.

ACTION ON EXECUTIVE SESSION

47. Approve a settlement agreement in Anwar Choudhary, Individually and as next friend of Ahmed Choudhary, a minor, and Talat Choudhary v. City of Austin; Cause No. GN403979, in the 345th Judicial Court of Travis County, Texas. (concerns an alleged negligence claim) (Related to item #46)
The motion authorizing the settlement agreement in the amount of \$60,000 and \$2,000 for Ad Litem fees was approved on Council Member Leffingwell's motion, Council Member Martinez' second on a 7-0 vote.

BOND SALES

48. Approve an ordinance authorizing the issuance of \$24,150,000 City of Austin, Texas, Certificates of Obligation, Series 2006, and all related documents. \$1,937,500 in the first year debt service requirement and \$400 estimated annual administration fee for the paying agent/registrar for the proposed Certificate of Obligation sale is included in the 2006-2007 Proposed Operating Budget of the General Obligation Debt Service Fund. Approved by the Audit and Finance Committee
Ordinance No. 20060831-048 was approved on Mayor Pro Tem Dunkerley's motion, Council Member McCracken's second on a 6-0 vote. Council Member Kim was off the dais.

49. Approve an ordinance authorizing the issuance of \$14,120,000 in City of Austin, Texas, Public Property Finance Contractual Obligations, Series 2006, and all related documents. \$1,185,067 in the first year debt service requirement and \$400 estimated annual administration fee for the paying agent/registrar for the proposed contractual obligation sale is included in the 2006-2007 Proposed Operating Budget of the General Obligation Debt Service Fund. Approved by the Audit and Finance Committee.
Ordinance No. 20060831-049 was approved on Mayor Pro Tem Dunkerley's motion, Council Member McCracken's second on a 6-0 vote. Council Member Kim was off the dais.
50. Approve an ordinance authorizing the issuance of \$31,585,000 in City of Austin, Texas, Public Improvement Bonds, Series 2006, and all related documents. \$1,579,250 in the first year debt service requirement and \$400 estimated annual administration fee for the paying agent/registrar for the proposed bond sale is included in the 2006-2007 Proposed Operating Budget of the General Obligation Debt Service Fund. Approved by the Audit and Finance Committee.
Ordinance No. 20060831-050 was approved on Mayor Pro Tem Dunkerley's motion, Council Member McCracken's second on a 6-0 vote. Council Member Kim was off the dais.

BRIEFING

42. Presentation of the City of Austin Fiscal Year 2006-2007 Proposed Budget including: the Neighborhood Planning and Zoning Department; Watershed Protection and Development Review Department; Public Works Department; Austin Water Utility; Austin Energy; and Economic Growth and Redevelopment Services Office.
The presentation was made by Laura Huffman, Assistant City Manager; Greg Guernsey, Director of Neighborhood Planning and Zoning Department; Victoria Hsu, Director of Watershed Protection and Development Review; Sondra Creighton, Director of Public Works; Chris Lippe, Director of Austin Water Utility; Juan Garza, General Manager for Austin Energy; and Sue Edwards, Director of Economic Growth and Redevelopment Services.

ZONING CONSENT ITEMS

The following zoning items were acted on by one motion. No separate discussion or action occurred on any of the items. The consent items were approved on Council Member Leffingwell's motion, Council Member Cole's second on a 6-0 vote. Council Member Martinez was off the dais.

52. C14-05-0151 - Flex 15 - Approve second reading of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 8420 Longview Road (Williamson Creek Watershed-Barton Springs Zone; South Boggy Creek Watershed) from rural residence (RR) district zoning to townhouse and condominium residence (SF-6) district zoning. On March 23, 2006, the Council approved single-family residence-small lot-conditional overlay (SF-4A-CO) combining district zoning with conditions on first reading. Vote: 7-0. Applicant: Flex Realty (Brett Vance). Agent: Jim Bennett Consulting (Jim Bennett). City Staff: Wendy Walsh, 974-7719. A valid petition has been filed in opposition to this rezoning request.
This item was postponed to October 5, 2006 at the applicant's request.
53. C14-06-0080 – San Jose Lofts – Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 108 W. Gibson Street (East Bouldin Creek Watershed) from multi-family residence-moderate high density-neighborhood plan (MF-4-NP) combining district zoning to general commercial services-mixed use-conditional overlay-neighborhood plan (CS-MU-CO-NP) combining district zoning. First reading approved on August 24, 2006. Vote : 6-0 (Council Member Kim off the dais). Applicant: Southside Church of Christ. Agent: Armbrust & Brown (Amanda Morrow). City Staff: Robert Heil, 974-2330.

Ordinance No. 20060831-053 for general commercial services-mixed use-conditional overlay-neighborhood plan (CS-MU-CO-NP) combining district zoning was approved.

ZONING CONSENT ITEMS

The following zoning items were acted on by one motion. No separate discussion or action occurred on any of the items. The public hearings were closed and consent items were approved on Council Member Cole's motion, Council Member McCracken's second on a 7-0 vote.

54. C14-06-0135 - Private Mini Storage - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 604 and 700 Corral Lane and 7116 South IH-35 Service Road Southbound (South Boggy Creek Watershed) from single-family residence-standard lot (SF-2) district zoning and family residence (SF-3) district zoning to general commercial services (CS) district zoning. Staff Recommendation: To deny general commercial services (CS) district zoning. Zoning and Platting Commission Recommendation: To be reviewed on September 5, 2006. Applicant: Amy Trost and Christopher Masey; DL Chase Investments (Daniel Case). Agent: Lopez-Phelps & Associates, LLP (Amelia Lopez-Phelps). City Staff: Wendy Walsh, 974-7719.
This item was postponed to September 28, 2006 at staff's request. Council Member McCracken directed staff to work with the Austin Police Department to determine what land use problems might be connected with mini-storage uses.
55. C14-06-0116 - 1017 West Slaughter - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1017 West Slaughter Lane (Slaughter Creek Watershed) from development reserve (DR) district zoning to neighborhood commercial (LR) district zoning. Staff Recommendation: To grant neighborhood commercial-conditional overlay (LR-CO) combining district zoning for Tract 1, and limited office-conditional overlay (LO-CO) combining district zoning for Tract 2. Zoning and Platting Commission Recommendation: To grant neighborhood commercial-mixed use-conditional overlay (LR-MU-CO) combining district zoning for Tract 1, and limited office-mixed use-conditional overlay (LO-MU-CO) combining district zoning for Tract 2. Applicant: Elinor Walther (Elinor Kosta). Agent: Land Answers (Jim Wittliff). City Staff: Wendy Walsh, 974-7719.
Ordinance No. 20060831-055 for neighborhood commercial-mixed use-conditional overlay (LR-MU-CO) combining district zoning for Tract 1, and limited office-mixed use-conditional overlay (LO-MU-CO) combining district zoning for Tract 2 was approved.
57. C14H-05-0017 – Baugh-Colby House - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1102 Enfield Road (Shoal Creek Watershed) from multi-family residence-medium density-neighborhood plan (MF-3-NP) combining district zoning to multi-family residence-medium density-historic-neighborhood plan (MF-3-H-NP) combining district zoning. Staff Recommendation: To grant multi-family residence-medium density-historic-neighborhood plan (MF-3-H-NP) combining district zoning. Planning Commission Recommendation: To grant multi-family residence-medium density-historic-neighborhood plan (MF-3-H-NP) combining district zoning. Applicant: Historic Landmark Commission. City Staff: Steve Sadowsky, 974-6454
This item was postponed to October 5, 2006 at the neighborhood's request.
58. C14-06-129 - Pavilion Park and Ride Expansion - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 11979 Research Boulevard and 11933 Jollyville Road (Walnut Creek Watershed) from public (P) district zoning; limited office (LO) district zoning; and community commercial (GR) district zoning to general commercial services (CS) district zoning. Staff Recommendation: To grant general commercial services-conditional

overlay (CS-CO) combining district zoning for Tract 1 and limited office-conditional overlay (LO-CO) combining district zoning for Tract 2. Zoning and Platting Commission Recommendation: To grant general commercial services-conditional overlay (CS-CO) combining district zoning for Tract 1 and limited office-conditional overlay (LO-CO) combining district zoning for Tract 2. Applicant: Capital Metropolitan (John E. Hodges); Compass Properties (Mitchell Wong). Agent: Doucet & Associates (Ted McConaghy). City Staff: Sherri Sirwaitis, 974-3057.

The first reading of the ordinance for general commercial services-conditional overlay (CS-CO) combining district zoning for Tract 1 and limited office-conditional overlay (LO-CO) combining district zoning for Tract 2 was approved.

59. C14-06-0104 - Olympic Heights West - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as the East terminus of Yandall Drive (also known as the 2400 Block of Frate Barker Road) (Slaughter Creek Watershed-Barton Springs Zone; Bear Creek Watershed) from interim-rural residence (I-RR) district zoning to single-family residence-standard lot (SF-2) district zoning for Tract 1; and single-family residence-small lot-conditional overlay (SF-4A-CO) combining district zoning for Tract 2. Staff Recommendation: To grant single-family residence-small lot-conditional overlay (SF-4A-CO) combining district zoning for Tracts 1 and 2. Zoning and Platting Commission Recommendation: To grant single-family residence-standard lot-conditional overlay (SF-2-CO) combining district zoning for Tract 1; and single-family residence-small lot-conditional overlay (SF-4A-CO) combining district zoning for Tract 2. Applicant: Truman F. Martin and Joyce A. Martin. Agent: Jackson Walker, L.L.P. (Jim Nias). City Staff: Wendy Walsh, 974-7719.
Ordinance No. 20060831-059 for single-family residence-standard lot-conditional overlay (SF-2-CO) combining district zoning for Tract 1; and single-family residence-small lot-conditional overlay (SF-4A-CO) combining district zoning for Tract 2 was approved.
61. C14-06-0100 - Bull Creek Apartments - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 4320-4330 Bull Creek Road (Shoal Creek Watershed) from multi-family residence-moderate-high density (MF-4) district zoning to multi-family residence-highest density-conditional overlay (MF-6-CO) combining district zoning. Staff Recommendation: To grant multi-family residence-moderate-high density (MF-4) district zoning and multi-family residence-highest density-conditional overlay (MF-6-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant multi-family residence-highest density-conditional overlay (MF-6-CO) combining district zoning. Applicant: ACS/Quali Ridge Properties (Manny Farahani). Agent: Ardent Residential (Brett Denton). City Staff: Jorge E. Rousselin, 974-2975.
Ordinance No. 20060831-061 for multi-family residence-highest density-conditional overlay (MF-6-CO) combining district zoning with a height limitation of 60 feet was approved.
62. C14-06-0128 - Austex/Reeves - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 403 East Braker Lane (Walnut Creek Watershed) from community commercial-conditional overlay (GR-CO) combining district zoning to community commercial-conditional overlay (GR-CO) combining district zoning to change a condition of zoning. Staff Recommendation: To grant neighborhood commercial-conditional overlay (LR-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant community commercial-conditional overlay (GR-CO) combining district zoning to change a condition of zoning. Applicant: Austex Body & Paint (Henry Jones). Agent: Jim Bennett. City Staff: Jorge E. Rousselin, 974-2975.
This item was postponed to October 5, 2006 at the neighborhood's request.

Mayor Wynn recessed the Council Meeting at 5:40 p.m.

LIVE MUSIC

Rosie Flores

PROCLAMATIONS

Presentation of a Design Award to the City by Rolfe Jennings, Concrete Reinforcing Steel Institute, to be accepted by Mayor Will Wynn and City Manager Toby Hammett Futrell

Proclamation -- National Prostate Cancer Month -- to be presented by Mayor Will Wynn and to be accepted by Leibel Harelik

Proclamation -- Electric Cars of Austin -- to be presented by Mayor Will Wynn and to be accepted by Dilum Chandrasoma

Proclamation -- 2nd Annual RIF of Austin Read-a-Thon -- to be presented by Mayor Will Wynn and to be accepted Pat Fuszek

Certificates of Congratulations -- Volunteers of the Month for July and August -- to be presented by Council Member Brewster McCracken and to be accepted by Jan Neve and Linda Welsh

Mayor Wynn called the Council Meeting back to order at 6:33 p.m.

ZONING DISCUSSION ITEMS

56. C14-06-0136 - 1701 & 1703 Windoak - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1701 & 1703 Windoak (Harpers Branch Watershed) from family residence (SF-3) district zoning to townhouse and condominium residence (SF-6) district zoning. Staff Recommendation: To grant townhouse and condominium residence-conditional overlay (SF-6-CO) combining district zoning. Planning Commission Recommendation: To grant townhouse and condominium residence-conditional overlay (SF-6-CO) combining district zoning. Applicant: FS Ventures (Jim Cummings). Agent: Urban Design (Laura Toups). City Staff: Robert Heil, 974-2330
The public hearing was closed and the first reading of the ordinance for townhouse and condominium residence-conditional overlay (SF-6-CO) combining district zoning with staff's recommendations and prohibiting gates on the driveways was approved on Council Member Leffingwell's motion, Council Member McCracken's second on a 7-0 vote.
60. C14-06-0097 - Cody Pools - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2300 West Parmer Lane (Walnut Creek Watershed) from interim-rural residence (I-RR) district zoning to general commercial services (CS) district zoning. Staff Recommendation: To grant limited office-conditional overlay (LO-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant neighborhood commercial-conditional overlay (LR-CO) combining district zoning. Applicant: Cody Pools, Inc. (Michael R. Church). Agent: Permit Me (Maureen Morphew). City Staff: Sherri Sirwaitis, 974-3057.
The public hearing was closed and the first reading of the ordinance for neighborhood commercial-conditional overlay (LR-CO) combining district zoning with a 700 trips a day limit and a 100 feet right-of-way reservation from the center-line of Parmer Lane was approved on Council Member Kim's motion, Council Member Leffingwell's second on a 7-0 vote. In addition, Mayor Wynn directed staff to work with the owner on calculation of impervious cover and the flexibility inherent in LR zoning.

BRIEFING

51. Conduct a briefing on the feasibility study regarding the combination of the Austin Police Department, the City Marshals, the Austin Park Police and the Airport Police under a central command and control. The presentation was made by Rudy Garza, Assistant City Manager, and Julie O'Brien, Acting Assistant Police Chief.

PUBLIC HEARINGS

63. Conduct a public hearing and consider an ordinance adding Section 25-2-812 to the City Code and amending Section 25-2-1406 of the City Code relating to mobile food establishments; and repealing Ordinance No. 20060608-120. (No fiscal impact.) (Recommended by Planning Commission.)
The public hearing was closed on Council Member Cole's motion, Council Member McCracken's second on a 7-0 vote. Council Member Martinez moved to reject the Planning Commission recommendations and requested it be returned to the Planning Commission for further revisions to make it more understandable by the opposing parties. Council Member Martinez withdrew this motion. Mayor Pro Tem Dunkerley moved to approve the first reading of the ordinance per the Planning Commission's recommendation with the two following amendments. This was seconded by Council Member Cole and passed on a 7-0 vote. The amendments were (1) that a mobile vending establishment that is located on the same site as a restaurant and serves food provided by that restaurant may only operate between 6:00 a.m. and 10:00 p.m., if the mobile vending establishment is located 300 feet or less from property zoned SF-5 or more restrictive district or if the property has a residential use permitted in a SF-5 or more restrictive district; and (2) if the mobile vendor is more than 300 feet away from a single family residence, the 3 PM closure does not apply and (3) if the neighborhood does opt in, the staff has sixty days to notify non compliant vendors who could then move to a compliant area. Staff was directed to investigate the impact on the various groups of vendors and report back to Council and to bring back an extension to the interim ordinance on September 28, in case the new ordinance has not been approved before then.
64. Conduct a public hearing to receive public comment on the City of Austin Fiscal Year 2006-2007 Proposed Budget including the Neighborhood Planning and Zoning Department, the Watershed Protection and Development Review Department, the Public Works Department, the Austin Water Utility, Austin Energy, and the Economic Growth and Redevelopment Services Office.
The public hearing was closed on Council Member Leffingwell's motion, Council Member Cole's second on a 6-0 vote. Council Member Martinez was off the dais.
65. Conduct a public hearing on the proposed ad valorem tax rate for Fiscal Year 2006-2007.
The public hearing was closed on Council Member Martinez' motion, Council Member McCracken's second on a 7-0 vote.
66. Conduct a public hearing to receive public comment on the proposed rate and fee changes for the Austin Water Utility as part of the Fiscal Year 2006-2007 Proposed Budget. No fiscal impact
The public hearing was closed on Council Member McCracken's motion, Council Member Martinez' second on a 7-0 vote.
67. Conduct a public hearing to receive public comment on the proposed rate and fee changes for the Solid Waste Services as part of the Fiscal Year 2006-2007 Proposed Budget. No fiscal impact.
The public hearing was closed on Council Member McCracken's motion, Council Member Leffingwell's second on a 7-0 vote.

The motion to waive the rules and allow Council to meet after 10 p.m. was approved on Council Member McCracken's motion, Council Member Leffingwell second on a 7-0 vote.

68. Conduct a public hearing and approve second/third readings of an ordinance amending the City Code to establish design standards for commercial, multi-family and mixed use development. The design standards ordinance includes regulations addressing building location, streets and walkways, pedestrian and vehicular connections, parking, exterior lighting, screening, open space, shading, building design and related Land Development Code amendments. (Recommended by Planning Commission, Zoning and Platting Commission; Design Commission and, Environmental Board)
The public hearing was closed on Council Member McCracken's motion, Council Member Martinez's second on a 6-0 vote. Council Member Kim was off the dais.

Ordinance No. 20060831-68 was approved with the following amendments on Council Member McCracken's motion, Council Member Kim's second on a 7-0 vote.

Council Member McCracken offered the following amendments:

- On page v, Map of Core Transit Corridors(CTC) & Future Core Transit Corridors, modify the map as necessary to ensure the Core Transit Corridors and Future Core Transit Corridors are consistent with the definitions of those terms in Article 5.
- On page 4, Section 1.2.2 – New Construction, Redevelopment, and Major Rehabilitation, in subsection B, after the words “Redevelopment or major rehabilitation,” add the following parenthetical, “(for redevelopment or major rehabilitation, the Director shall determine the portion of the site to which the standard applies, based on the extent of change proposed).”
- On page 5, Section 1.2.3.D – Exemption for Small Interior Lots, change the provision to read, “Development on interior sites with 65 feet or less of frontage on the principal street and with vehicular access only from the principal street is exempt from the building location requirements of Sections 2.2.2 and 2.2.3 of this Subchapter.”
- On page 16, Section 2.2.2.B.1.b – Street Tree/Furniture Zone, in the first sentence, strike the words, “with approval of the Director of Public Works.”
- On pages 16-17, Section 2.2.2.B.1.b – Street Tree/Furniture Zone, change the last sentence to read, “The list shall emphasize shade trees; however, alternative trees may only be approved (pursuant to Section 2.2.2.B.3, below) where conflicts may arise because of overhead utility lines.”
- On pages 16-17, Section 2.2.2.B.3 – Utilities, add a new section c, which shall read, “On lots with a depth of 120 feet or less and where electric utilities remain overhead and are located behind the curb, alternative trees from the list identified in Section 2.2.2.B.1.b, above, may be used so that the trees can be located beneath, rather than offset from, the overhead electric utilities.”
- On page 17, Section 2.2.2.B.3.b – Utilities, insert the word “electric” between the words “Where” and “utilities.” After the word “provided,” strike the words “for a minimum of 10 feet from each side of the energized conductor” and substitute, “so that no portion of the building is located within a 10-foot radius of the energized conductor.”
- On page 34, Section 2.2.3.F – Corner Sites – Sub-part 1 should be stricken and sub-part 2 should be re-numbered as sub-part 1. In the new sub-part 1, strike the word “other.”
- On page 35, Section 2.2.4.C – Building Placement, renumber Section 2.2.4.C (Suburban Roadways) making the existing paragraph 2.2.4.C.1 and adding a new 2.2.4.C.2 as follows, “Exception: Pad-site Building with Drive-In or Drive-Through. When a pad-site building with a drive-in or drive-through is only permitted a single curb cut, the pad building site may contain a circulation lane between the building and the curb, and that building behind the circulation aisle does not have to be brought to the clear zone (or supplemental zone), pursuant to Section 2.2.2.D.4 and Figure 19.
- On page 36, Section 2.2.4.E.1 – Corner Sites, insert the word “surface” at the beginning of this provision.

- On page 36, Section 2.2.4.E.1.b – Corner Sites, strike the current language and substitute, “100% of the building frontage that faces the principal street shall be built to the Clear Zone or the Supplemental Zone (if one is provided).”
- One page 47, Section 2.3.2.B.2 – Additional Measures to Improve Connectivity, in the table of options, in the third cell down in the right hand column, add the following sentence at the end of this provision, “Compliance with this option also may include providing a sidewalk that connects the project site to an adjacent residential development and that runs along a public roadway where no sidewalk currently exists or where the existing sidewalk does not meet the width standards in this subchapter.”
- One page 47, Section 2.3.2.B.2 – Additional Measures to Improve Connectivity, in the table of options, in the next to the bottom cell of the right hand column, strike the word “every” and in its place insert the word “each.” Also, strike the words “exceeding 50,000 square feet of gross floor area.”
- On page 51, Section 2.6.2.B – Standards, insert at the end of this provision the following sentence, “In the downtown, loading docks, truck parking, outdoor storage, trash collection, trash compaction, and other service functions may be placed alongside public alleys without the necessity screening.”
- On page 74, Section 4.3.3.F.1.c – Affordability Requirements for Owner-Occupied Units, replace the existing language with the following, “The homeowner association fees for the owner-occupied affordable units may not be set or increased to cause total housing costs to exceed the targeted affordability levels, pursuant to procedures and criteria established by the Director of Neighborhood Housing and Community Development.”
- On pages 74-75, Section 4.3.3.F.2.b, in the first sentence, change the wording from “a neighborhood” to “an applicable neighborhood.” In the first sentence, strike the words, “some or all of.” In the first sentence, replace the word “area” with the word “annual.” In the second sentence, after the word “applications” insert the words, “after the effective date of the first interim VMU ordinance and prior to September 1, 2006” and strike the words “the effective date of this Subchapter.” In the second sentence, after the words, “subsection 2.a. above,” add the words “or provide for affordable units as otherwise agreed to by an applicable neighborhood prior to September 1, 2006.”
- On page 75, Section 4.3.3.F.4 – Fee for Upper-Level Nonresidential Space, at the end of this provision, add, “At the same time that it sets the amount of the fee, the City Council shall also identify a means by which fees paid pursuant to this section shall be reserved only for expenditure within the area of the City from which they were collected.”
- On page 77, Section 4.3.4.E – Expedited Review for Residential Permit Parking Districts, strike the language of this provision in its entirety and replace with the following. “Neighborhoods that do not opt out of the VMU overlay district pursuant to the process established in Section 4.3.5 shall receive expedited review of applications to establish Residential Permit Parking (RPP) districts, for blocks starting within 600 feet of the portion of the Core Transit Corridor or Future Core Transit Corridor within the VMU overlay. The application process shall proceed in the following manner:
 1. A petition shall be circulated among all (100%) households within the proposed permit parking area. A minimum of 66.7% (two-thirds) of the signatures must be in a favor of the program. Only one signature for each household will be considered. A household is defined as a residence with a separate mailing address, phone number and/or utility bill. Multi-family properties of more than six units may be considered one household; in such cases, only the owner or manager of the property shall be allowed to sign the petition. The applicable Neighborhood Association must endorse the resident’s request for the Residential Permit Parking program.
 2. The City’s requirement, which would otherwise apply, that a minimum of seventy-five percent (75%) of the available on-street parking spaces must be occupied during peak parking hours (as determined by the neighborhood) of any two days during a two week period shall be waived.

3. Following the collection of the required signatures and delivery of all necessary RPP request documentation to City staff, staff shall review and act on the application within two weeks. Notice shall be sent to affected residents and the applicable neighborhood association, and signs shall be installed, within six weeks of approval.”

- On Page 77, Section 4.3.5.A – Purpose, add the following sentence at the end of this provision, “No property is eligible for an exemption from the dimensional standards (of Section 4.3.3.E.2) or for the parking reduction (of Section 4.3.3.E.3) or for the additional ground-floor uses otherwise authorized by Section 4.3.3.C.2 until the conclusion of the Opt-in and Opt-out processes described in this section.”
- On pages 77-78, Section 4.3.5.B.2 – Application, in the second sentence, add the words, “applicable neighborhood” before the word, “association.”
- On page 78, Section 4.3.5.B.5.c – Effect of Approval, insert the following words at the end of sub-part c, “to opt-in to the exemption from the dimensional standards of Section 4.3.3.E.2 and/or for the parking reduction of Section 4.3.3.E.3 and/or the additional ground-floor uses identified by Section 4.3.3.C.2.”
- On page 79, Section 4.3.5.C.1.a – VMU Overlay District: Opt-out, in the first sentence, change the word “and,” which occurs between the words “dimensional” and “parking standards,” to “and/or.” At the end of the first sentence of this provision, add the words, “for some or all of the properties within the VMU overlay district.”
- On Page 79, Section 4.3.5.C.2.a – MU-Designated Properties: Opt-in, the first sentence should be modified to read, “A neighborhood with properties with the MU zoning designation may request to ‘opt-in’ to the dimensional and/or parking standards exemptions in Section 4.3.3.E.2. and 3., and/or the ground floor commercial uses allowed in Section 4.3.3.C.2 for some or all of the properties with the MU zoning designation.”
- On page 80, Section 4.3.5.C.4 – All Properties that Allow VMU Buildings: Affordability Standards, strike the words, “some or all of.”

Council Member Leffingwell made the following friendly amendment that was accepted by the maker of the motion and Council Member Kim, who seconded the motion. On page 5, Section 1.2.4.B.1.d - Conflicting Provision, shall read “Provisions applicable to the Hill Country Roadways” striking the rest of the Section (i) through (viii).

Council Member Dunkerley made the following friendly amendment that was accepted by the maker of the motion and Council Member Kim, who seconded the motion. Section 1.2.5 should be amended to add the language as proposed by ADAPT as follows, “Accessibility, integration and inclusion of people with disabilities are fundamental components of our vision for the future of the City of Austin. The Commercial Design Standards Ordinance is not intended to supersede any applicable state or federal accessibility statutes and regulations. Administration and enforcement of this subchapter shall comply with all such statutes and regulations.”

Council Member Cole made the following friendly amendment that was accepted by the maker of the motion and Council Member Kim, who seconded the motion. On page 11, Section 1.5.4B Criteria should be amended to add a new number as follows, “3. An undue financial hardship would be created for a development less than 10,000 square feet without any exterior trademark design feature.”

69. Conduct a public hearing and consider an ordinance amending Title 25 of the City Code relating to height provisions, compatibility provisions, noncomplying structure provisions, building permit provisions, and the applicability of the residential design and compatibility regulations adopted by Council on June 22,

2006; and additional amendments necessary to reformat the residential design and compatibility regulations adopted by Council on June 22, 2006. (Recommended by Planning Commission)

The public hearing was closed on Council Member McCracken's motion, Mayor Pro Tem Dunkerley's second on a 6-0 vote. Council Member Cole was off the dais. The first reading of Part 1 and Part 2 ordinances were approved on Council Member McCracken's motion, Council Member Leffingwell's second on a 7-0 vote.

Mayor Wynn adjourned the meeting at 11:59 p.m. without objection.

The minutes for the Regular Meeting of August 31, 2006 were approved on this the 28th day of September, 2006 on Council Member McCracken's motion, Council Member Cole's second on a 7-0 vote.